AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings of claims in the application:

LISTING OF CLAIMS:

1. (previously presented) A non-competitive immunoassay for detecting a small analyte, said assay comprising:

reacting a sample containing said analyte with a reagent pair comprising a first binding partner that binds to said analyte, and a second binding partner that binds to the complex of said analyte and said first binding partner, wherein said second binding partner is obtained from a non-immunized source which is a naive display recombinant binding partner library by selecting a binding partner that binds to said complex of the analyte and first binding partner, and determining the binding of the second binding partner, thus indicating the presence of the analyte in the sample, wherein the analyte has a molecular weight of less than 5000.

2. (original) The assay of claim 1, wherein the first and second binding partners are selected from antibody fragments Fab and scFv.

3. (previously presented) The assay of claim 1, which assay is a homogeneous assay.

4. (original) The assay of claim 3, which assay is based on fluorescence resonance energy transfer (FRET).

5. (previously presented) The assay of claim 1, wherein the analyte is a drug of abuse.

6. (original) The assay of claim 5, wherein the analyte is morphine, tetrahydrocannabinol (THC) or amphetamine.

7-25. (canceled)

26. (previously presented) A non-competitive immunoassay for detecting a small analyte, said assay comprising:

reacting a sample containing said analyte with a reagent pair comprising a first binding partner that binds to said analyte, and a second binding partner that binds to the complex of said analyte and said first binding partner, wherein said second binding partner is obtained from a non-immunized source which is a naive display recombinant binding partner library by selecting a binding partner that binds to said complex of the analyte and first binding partner, and determining the binding of the second binding partner, thus indicating the presence of the analyte in the sample, wherein the analyte has a molecular weight of less than 5000, wherein the second binding

partner comprises a ligand binding portion of K11 scFv comprising SEQ ID NO 5.

27. (previously presented) A non-competitive immunoassay for detecting a small analyte, said assay comprising:

reacting a sample containing said analyte with a reagent pair comprising a first binding partner that binds to said analyte, and a second binding partner that binds to the complex of said analyte and said first binding partner, wherein said second binding partner is obtained from a non-immunized source which is a naive display recombinant binding partner library by selecting a binding partner that binds to said complex of the analyte and first binding partner, and determining the binding of the second binding partner, thus indicating the presence of the analyte in the sample, wherein the analyte has a molecular weight of less than 5000, wherein the first binding partner comprises a ligand-binding portion of M1 Fab comprising SEQ ID NO 1 and SEQ ID NO 2, or of M2 Fab comprising SEQ ID NO 3 and SEQ ID NO 4.

28. (previously presented) The assay of claim 26, wherein the first binding partner comprises a ligand-binding portion of M1 Fab comprising SEQ ID NO 1 and SEQ ID NO 2, or of M2 Fab comprising SEQ ID NO 3 and SEQ ID NO 4.

29. (previously presented) The assay of claim 26, wherein said ligand-binding portion of the second binding partner is formed by amino acids no. 3 to 120 and no. 140 to 246 of SEQ ID NO 5.

30. (previously presented) The assay of claim 27, wherein said ligand-binding portion of the first binding partner is formed by amino acids no. 3 to 108 of SEQ ID NO 1 and amino acids no. 4 to 123 of SEQ ID NO 2; or of amino acids no. 3 to 108 of SEQ ID NO 3 and of amino acids no. 4 to 123 of SEQ ID NO 4.

31. (previously presented) The assay of claim 28, wherein said ligand-binding portion of the first binding partner is formed by amino acids no. 3 to 108 of SEQ ID NO 1 and amino acids no. 4 to 123 of SEQ ID NO 2; or of amino acids no. 3 to 108 of SEQ ID NO 3 and of amino acids no. 4 to 123 of SEQ ID NO 4.

32. (previously presented) The assay of claim 5, wherein multiple drugs of abuse are assayed.

33. (canceled)